

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.360 OF 2021

Dinesh Mahadeo Yeul, Jalgaon Jamod, Dist. Buldhana

-vs-

State of Maharashtra, Thr. Secretary, Tribal Development Dept. Mantralaya, Mumbai and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Arun S. Agrawal, Advocate for petitioner.
Ms Tajwar Khan, Assistant Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : September 21, 2022

The petitioner seeks a direction to be issued to the Additional Commissioner, Tribal Development Department, Amravati to complete the process of recruitment and issue an order of appointment to the petitioner in terms of the communication dated 28/12/2020.

The learned Assistant Government Pleader for the respondents raises a preliminary objection that since the petitioner seeks appointment on the post of Librarian in a Government Ashram School, his remedy would lie before the State Administrative Tribunal.

It is seen that the advertisement in question has been issued by the Additional Commissioner, Tribal Development Department, Amravati by which recruitment is sought to be effected on the post of Librarian in the Government Ashram

School. In view of provisions of Section-15(1)(a) of the Administrative Tribunals Act, 1985, all matters concerning recruitment can be adjudicated by the Tribunal.

In view of aforesaid, by granting liberty to the petitioner to approach the Maharashtra Administrative Tribunal for pursuing the prayer made in the present writ petition, the writ petition is not entertained as an alternate efficacious remedy is available to the petitioner. If the petitioner invokes such remedy within a period of three weeks from today, the fact that the writ petition was filed on 14/12/2020 in this Court shall be taken into account and the petitioner's right to recruitment be considered as having been agitated on that date.

Order accordingly.

Writ Petition is disposed of. No costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita